

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK**

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In Re:

**Chapter 7**

Nicole Cumberbatch,  
*aka* Nicole Cumberbatch-Cox,  
*dba* Gloria's In & Out III  
*dba* Gloria's In & Out 3,

**Case No. 1-21-40360-ESS**

Debtor.

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**AMENDED<sup>1</sup> ORDER GRANTING STAY RELIEF**

Whereas, by her Schedule A/B, as initially filed on April 28, 2021, the Debtor claimed an ownership interest in the real property and improvements at 764 Nostrand Avenue (a/k/a 844 Sterling Place), Brooklyn, New York; and,

Whereas, judgment-creditors Nel-Del Realty Associates, LLC and Ravi Batra objected to the Debtor's April 28, 2021 Schedules and Statements; and,

Whereas, the judgment-creditors have submitted certified pre-petition final orders and judgments of the Supreme Court of the State of New York, County of Kings, that establish prepetition and current ownership, in fee, by Nel-Del Realty Associates, LLC, of the real property and improvements at 764 Nostrand Avenue (a/k/a 844 Sterling Place), Brooklyn, New York; and,

Whereas, after consultation and conferral with the chapter 7 Trustee, the Debtor, by counsel, turned the keys for 764 Nostrand Avenue (a/k/a 844 Sterling Place), Brooklyn, New York over to counsel for the moving judgment-creditors; and,

Whereas, on November 18, 2021, the Debtor, by counsel, filed an Amended Schedule A/B,

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<sup>1</sup> **This Amended Order clarifies the scope of stay relief as determined by the Court.**

partially addressing judgment-creditors objections, and withdrawing any reference and claimed interest in 764 Nostrand Avenue (a/k/a 844 Sterling Place), Brooklyn, New York, along with withdrawing any claimed homestead exemption as to any property; and,

**Whereas**, upon the motion **dated November 24, 2021** by judgment-creditors Nel-Del Realty Associates, LLC and Ravi Batra for an order (i) further modifying the automatic stay to permit judgment-creditor Nel-Del Realty Associates, LLC, to exercise its ownership in fee, right to exclusive possession of 764 Nostrand Avenue, Brooklyn, New York (a/k/a 844 Sterling Place), Brooklyn, New York, and ability to enforce all pre-petition New York State Supreme Court, Kings County, orders and judgments issued with respect to 764 Nostrand Avenue, Brooklyn, New York (a/k/a 844 Sterling Place), Brooklyn, New York without restriction or limitation; (ii) clarifying and confirming that the bankruptcy stay is inapplicable and/or has been terminated with respect to any actions, proceedings, or efforts by the judgment-creditors to exercise ownership, dominion, control and enforce their entitlement to exclusive possession to the real property and improvements at 764 Nostrand Avenue, Brooklyn, New York (a/k/a 844 Sterling Place, Brooklyn, New York), along with the personal and tangible property contained therein; (iii) waiving the 14-day stay of effectiveness of this order giving relief from the automatic stay; and, (iv) for such other and further relief, favorable to the moving judgment creditors, as the Court may find to be just and proper; and,

Whereas, the chapter 7 trustee Debra Kramer, and Debtor Nicole Cumberbatch a/k/a Nicole Cumberbatch-Cox, dba Gloria's In & Out III, dba Gloria's In & Out 3, have no objection to the relief sought by this motion; and,

Whereas, the chapter 7 trustee Debra Kramer, by her counsel, has reported on the record that the chapter 7 trustee has determined that the real property and improvements located at 764

Nostrand Avenue (a/k/a 844 Sterling Place), Brooklyn, New York, are not part of Debtor's bankruptcy estate; and,

Upon all papers and proceedings herein, it is hereby

ORDERED, that this Order amends and replaces the Order Granting Stay Relief issued and entered December 15, 2021 (ECF Doc. 124); and, it is further

ORDERED, that this Order applies only to the real property and improvements located at 764 Nostrand Avenue (a/k/a 844 Sterling Place), Brooklyn, New York, and all fixtures and tangible property contained therein; and, it is further

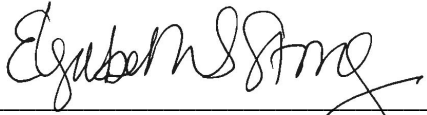
ORDERED, that *the automatic stay is modified, allowing* judgment-creditors Nel-Del Realty Associates, LLC and Ravi Batra *to pursue* their rights under applicable law with respect to the real property and improvements at 764 Nostrand Avenue (a/k/a 844 Sterling Place), Brooklyn, New York, and all fixtures and tangible property contained therein; ~~and, as delineated in the pre-petition final orders and judgments of the Supreme Court of the State of New York, County of Kings, as entered on February 10, 2020, July 15, 2020, July 27, 2020, October 13, 2020, and December 7, 2020;~~ and, it is further

ORDERED, that nothing contained in this Order shall *modify* ~~be read to limit or disturb~~ the ~~continued~~ authority and powers of the United States Bankruptcy Court, Chapter 7 Trustee Debra Kramer, or the United States Trustee (the "Trustee"), and all the Trustee's rights, claims, and remedies are expressly reserved; *and, it is further*

**ORDERED, that except as** ~~Other than~~ set forth herein, all protections afforded by 11 U.S.C. § 362 shall remain in full force and effect, ~~and nothing contained herein shall authorize or permit judgment creditors Nel-Del Realty Associates, LLC and Ravi Batra to enforce their money judgment of approximately \$50 million dollars, against property of the Debtor's bankruptcy estate.~~

**Dated: Brooklyn, New York  
December 17, 2021**



  
**Elizabeth S. Stong**  
**United States Bankruptcy Judge**